

**TITLE 329 SOLID WASTE MANAGEMENT DIVISION****Final Rule**

LSA Document #14-111(F)

**DIGEST**

Adds [329 IAC 12-2-8.5](#), [329 IAC 12-2-8.7](#), [329 IAC 12-2-11.2](#), [329 IAC 12-2-51.5](#), [329 IAC 12-7-6.5](#), [329 IAC 12-8-2.1](#), [329 IAC 12-8-3.1](#), [329 IAC 12-8-4.1](#), [329 IAC 12-9-2.1](#), [329 IAC 12-9-3.1](#), and [329 IAC 12-9-4.1](#) and amends [329 IAC 10-8.2-4](#), [329 IAC 12-2-2.2](#), [329 IAC 12-2-2.4](#), [329 IAC 12-2-5.1](#), [329 IAC 12-2-5.2](#), [329 IAC 12-2-6](#), [329 IAC 12-2-16](#), [329 IAC 12-2-31.5](#), [329 IAC 12-2-44](#), [329 IAC 12-2-46](#), [329 IAC 12-2-54](#), [329 IAC 12-3-1](#), [329 IAC 12-3-2](#), [329 IAC 12-7-1](#), [329 IAC 12-7-2](#), [329 IAC 12-7-3](#), [329 IAC 12-7-5](#), [329 IAC 12-7-6](#), [329 IAC 12-7-7](#), [329 IAC 12-8-1](#), [329 IAC 12-8-8](#), [329 IAC 12-8-9](#), [329 IAC 12-8-10](#), [329 IAC 12-9-1](#), [329 IAC 12-9-5](#), [329 IAC 12-9-6](#), and [329 IAC 12-9-7](#), concerning solid waste facility operator certification. Repeals [329 IAC 12-2-2](#), [329 IAC 12-2-2.1](#), [329 IAC 12-2-2.3](#), [329 IAC 12-2-4](#), [329 IAC 12-2-5](#), [329 IAC 12-2-11.1](#), [329 IAC 12-2-13](#), [329 IAC 12-2-15](#), [329 IAC 12-2-21](#), [329 IAC 12-2-24](#), [329 IAC 12-2-27](#), [329 IAC 12-2-27.2](#), [329 IAC 12-2-30](#), [329 IAC 12-2-33](#), [329 IAC 12-2-35](#), [329 IAC 12-2-36](#), [329 IAC 12-2-38](#), [329 IAC 12-2-39](#), [329 IAC 12-2-42](#), [329 IAC 12-2-45](#), [329 IAC 12-2-49](#), [329 IAC 12-2-50](#), [329 IAC 12-2-52](#), [329 IAC 12-7-4](#), [329 IAC 12-8-2](#), [329 IAC 12-8-3](#), [329 IAC 12-8-4](#), [329 IAC 12-8-5](#), [329 IAC 12-8-6](#), [329 IAC 12-8-7](#), [329 IAC 12-9-2](#), [329 IAC 12-9-3](#), and [329 IAC 12-9-4](#). Effective January 1, 2017.

**HISTORY**

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[329 IAC 10-8.2-4](#); [329 IAC 12-2-2](#); [329 IAC 12-2-2.1](#); [329 IAC 12-2-2.2](#); [329 IAC 12-2-2.3](#); [329 IAC 12-2-2.4](#); [329 IAC 12-2-4](#); [329 IAC 12-2-5](#); [329 IAC 12-2-5.1](#); [329 IAC 12-2-5.2](#); [329 IAC 12-2-6](#); [329 IAC 12-2-8.5](#); [329 IAC 12-2-8.7](#); [329 IAC 12-2-11.1](#); [329 IAC 12-2-11.2](#); [329 IAC 12-2-13](#); [329 IAC 12-2-15](#); [329 IAC 12-2-16](#); [329 IAC 12-2-21](#); [329 IAC 12-2-24](#); [329 IAC 12-2-27](#); [329 IAC 12-2-27.2](#); [329 IAC 12-2-30](#); [329 IAC 12-2-31.5](#); [329 IAC 12-2-33](#); [329 IAC 12-2-35](#); [329 IAC 12-2-36](#); [329 IAC 12-2-38](#); [329 IAC 12-2-39](#); [329 IAC 12-2-42](#); [329 IAC 12-2-44](#); [329 IAC 12-2-45](#); [329 IAC 12-2-46](#); [329 IAC 12-2-49](#); [329 IAC 12-2-50](#); [329 IAC 12-2-51.5](#); [329 IAC 12-2-52](#); [329 IAC 12-2-54](#); [329 IAC 12-3-1](#); [329 IAC 12-3-2](#); [329 IAC 12-7-1](#); [329 IAC 12-7-2](#); [329 IAC 12-7-3](#); [329 IAC 12-7-4](#); [329 IAC 12-7-5](#); [329 IAC 12-7-6](#); [329 IAC 12-7-6.5](#); [329 IAC 12-7-7](#); [329 IAC 12-8-1](#); [329 IAC 12-8-2](#); [329 IAC 12-8-2.1](#); [329 IAC 12-8-3](#); [329 IAC 12-8-3.1](#); [329 IAC 12-8-4](#); [329 IAC 12-8-4.1](#); [329 IAC 12-8-5](#); [329 IAC 12-8-6](#); [329 IAC 12-8-7](#); [329 IAC 12-8-8](#); [329 IAC 12-8-9](#); [329 IAC 12-8-10](#); [329 IAC 12-9-1](#); [329 IAC 12-9-2](#); [329 IAC 12-9-2.1](#); [329 IAC 12-9-3](#); [329 IAC 12-9-3.1](#); [329 IAC 12-9-4](#); [329 IAC 12-9-4.1](#); [329 IAC 12-9-5](#); [329 IAC 12-9-6](#); [329 IAC 12-9-7](#)

SECTION 1. [329 IAC 10-8.2-4](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 10-8.2-4](#) Regulated asbestos-containing materials**

**Authority:** [IC 13-14-8-7](#); [IC 13-15-2](#); [IC 13-19-3-1](#)

**Affected:** [IC 13-11-2-155](#); [IC 13-12](#); [IC 13-19](#); [IC 13-20-7-6](#)

Sec. 4. (a) Regulated asbestos-containing materials, except for Category II nonfriable asbestos-containing materials regulated under subsection (b), must be managed in accordance with the rules of the air pollution control board at [326 IAC 14-10](#), 40 CFR 61, Subpart M, revised as of February 12, 1999, and the following:

(1) The generator shall provide the solid waste land disposal facility with sufficient notice in advance of the disposal such that the facility may prepare to accept the regulated asbestos-containing material.

(2) All regulated asbestos-containing material must be handled in accordance with the wetting, packaging, and labeling provisions of 40 CFR 61.145(c), revised as of January 16, 1991, and 40 CFR 61.150(a), revised as of

January 16, 1991.

(3) Each load of regulated asbestos-containing material must be accompanied by a waste shipment record prepared on one (1) of the following:

(A) A form provided by the department.

(B) A form produced by the generator that includes all the information included on the form provided by the department.

(4) All regulated asbestos-containing material must be disposed of in accordance with the provisions of the following:

(A) 40 CFR 61.154, revised as of January 16, 1991.

(B) The rules of the ~~air pollution control~~ board at [326 IAC 14-10](#).

(C) The following:

(i) There must not be direct physical contact between regulated asbestos-containing material and heavy equipment during disposal and covering operations.

(ii) All regulated asbestos-containing material must be covered with soil, approved alternative material, or solid waste before compaction with heavy equipment or within twenty-four (24) hours of receipt of the waste to prevent airborne release.

(iii) Any regulated asbestos-containing material that is improperly packaged or in which packaging has been damaged must be placed in the working face of the MSWLF unit or non-MSWLF unit and covered immediately after placement of the waste.

(iv) ~~An asbestos waste disposal manager~~ **A certified operator** shall be present at the MSWLF unit or non-MSWLF unit during all handling and disposal of regulated asbestos-containing material to ensure compliance with this subsection. The ~~asbestos waste disposal manager~~ **certified operator** shall be ~~licensed~~ **certified** in accordance with the rules of the ~~air pollution control~~ board at [326 IAC 18-1](#), [329 IAC 12](#).

(v) All personnel involved in off-loading or in covering shall use appropriate personal protective equipment as necessary to prevent exposure to any airborne release of asbestos fibers during disposal operations.

(vi) The solid waste land disposal facility must have a written contingency plan to safely control torn and broken containers. Dedicated equipment and supplies must be maintained at the facility to properly handle spilled or improperly packaged or wetted regulated asbestos-containing material. If release of asbestos-containing waste materials occurs, the solid waste land disposal facility must take immediate corrective action directed by the ~~asbestos waste disposal manager~~ **certified operator**.

(b) Category II nonfriable asbestos-containing material, as defined in 40 CFR 61.141, revised as of June 19, 1995, that has not been made friable by forces reasonably expected to act on the material before disposal must be managed in accordance with the following:

(1) Subsection (a)(1).

(2) Subsection (a)(3).

(3) Subsection (a)(4).

(4) Label the containers or wrapped materials using warning labels that meet the requirements of 29 CFR 1910.1001(j)(4), revised as of January 8, 1998, and include the information in the following figure:

DANGER CONTAINS ASBESTOS FIBERS AVOID CREATING DUST CANCER AND LUNG DISEASE HAZARD
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(5) For asbestos-containing waste material to be transported off the facility site, label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated.

(c) 29 CFR 1910 and 40 CFR 61 are available from the ~~Superintendent of Documents~~, U.S. Government Printing **Publishing** Office, P.O. ~~Box 371954~~, Pittsburgh, Pennsylvania 15250-7954, (202) 783-3238. **732 North Capitol Street NW, Washington, D.C. 20401, or may be viewed at [www.gpo.gov](http://www.gpo.gov).**

*(Solid Waste Management Division; [329 IAC 10-8.2-4](#); filed Jul 14, 2004, 9:15 a.m.: 27 IR 3962; readopted filed Aug 5, 2010, 10:56 a.m.: [20100825-IR-329100228BFA](#); readopted filed Jun 6, 2016, 11:52 a.m.:*

*[20160706-IR-329160144BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 2. [329 IAC 12-2-2.2](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-2-2.2](#) "Accredited examination provider" defined

**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)  
**Affected:** [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 2.2. "Accredited examination provider" means a person or a ~~postsecondary learning institution~~ **an organization** that provides an ~~accredited~~ examination for the purpose of certifying **or recertifying** operators in accordance with [329 IAC 12-7](#) and [329 IAC 12-8](#).

*(Solid Waste Management Division; [329 IAC 12-2-2.2](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1479; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 234; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 3. [329 IAC 12-2-2.4](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 12-2-2.4](#) "Accredited training course provider" defined**

**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)  
**Affected:** [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 2.4. "Accredited training course provider" means a person or a ~~postsecondary learning institution~~ **an organization** that provides an ~~accredited~~ a training course for the purpose of recertifying operators in accordance with [329 IAC 12-7](#) and [329 IAC 12-9](#).

*(Solid Waste Management Division; [329 IAC 12-2-2.4](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1480; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 234; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 4. [329 IAC 12-2-5.1](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 12-2-5.1](#) "Certificate" defined**

**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)  
**Affected:** [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 5.1. "Certificate" means a document issued by the commissioner to an individual meeting the ~~testing applicable examination, training course, or continuing education~~ requirements of [329 IAC 12-7](#) and [329 IAC 12-8](#); **this article.**

*(Solid Waste Management Division; [329 IAC 12-2-5.1](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1480; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 234; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 5. [329 IAC 12-2-5.2](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 12-2-5.2](#) "Certified operator" defined**

**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)  
**Affected:** [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 5.2. "Certified operator" means an individual

- (1) with responsibility for the daily operation of the facility; and
- (2) who holds a current certificate of training issued by the commissioner.

*(Solid Waste Management Division; [329 IAC 12-2-5.2](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1480; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 235; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 6. [329 IAC 12-2-6](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 12-2-6](#) "Collection container system" defined**

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 6. "Collection container system" means a group of containers for solid waste collection from noncommercial, nonindustrial, and noninstitutional sources, and made available for use by the general public such as a county wide collection box system. **has the meaning set forth in [329 IAC 10-2-31](#).**

(Solid Waste Management Division; [329 IAC 12-2-6](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1953; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 235; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

SECTION 7. [329 IAC 12-2-8.5](#) IS ADDED TO READ AS FOLLOWS:

**[329 IAC 12-2-8.5](#) "Continuing education" defined**

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 8.5. "Continuing education" means participation in organized training or learning sessions with qualified continuing education providers and relevant subject matter pertaining to the operation of solid waste facilities.

(Solid Waste Management Division; [329 IAC 12-2-8.5](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

SECTION 8. [329 IAC 12-2-8.7](#) IS ADDED TO READ AS FOLLOWS:

**[329 IAC 12-2-8.7](#) "Continuing education provider" defined**

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 8.7. "Continuing education provider" means a qualified person or organization that offers continuing education training or learning sessions pertaining to the operation of solid waste facilities.

(Solid Waste Management Division; [329 IAC 12-2-8.7](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

SECTION 9. [329 IAC 12-2-11.2](#) IS ADDED TO READ AS FOLLOWS:

**[329 IAC 12-2-11.2](#) "Examination" defined**

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 11.2. "Examination" means a set of questions, problems, and other tests of knowledge conducted by an accredited examination provider for the purposes of testing individuals seeking certification or recertification as solid waste facility operators.

(Solid Waste Management Division; [329 IAC 12-2-11.2](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

SECTION 10. [329 IAC 12-2-16](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 12-2-16](#) "Ground water" defined**

**Authority:** [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

**Affected:** [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 16. "Ground water" means water below the land surface in the zone of saturation. **has the meaning set forth in [329 IAC 10-2-85](#).**

(Solid Waste Management Division; [329 IAC 12-2-16](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1954; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 235; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

SECTION 11. [329 IAC 12-2-31.5](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 12-2-31.5](#) "Recertification" defined**

**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

**Affected:** [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 31.5. "Recertification" means the procedures under [329 IAC 12-7](#) and [329 IAC 12-9](#) to renew a certification **certificate** for a certified operator meeting the applicable **examination**, training **course**, or **continuing education** requirements **of this article**.

(Solid Waste Management Division; [329 IAC 12-2-31.5](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1480; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 236; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

SECTION 12. [329 IAC 12-2-44](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 12-2-44](#) "Solid waste facility" or "facility" defined**

**Authority:** [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

**Affected:** [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 44. "Solid waste facility" or "facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for processing, storing in conjunction with processing or disposal, or disposing of solid waste and may consist of several processing, storage, or disposal operational units, for example, one (1) or more landfills, surface impoundments, or combinations thereof. **has the meaning set forth in [329 IAC 10-2-69](#).**

(Solid Waste Management Division; [329 IAC 12-2-44](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1957; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 237; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

SECTION 13. [329 IAC 12-2-46](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 12-2-46](#) "Solid waste management" defined**

**Authority:** [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

**Affected:** [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 46. "Solid waste management" means the systematic administration of activities that provide for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste. **has the meaning set forth in [329 IAC 11-2-42](#).**

(Solid Waste Management Division; [329 IAC 12-2-46](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1957; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 237; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)



SECTION 14. [329 IAC 12-2-51.5](#) IS ADDED TO READ AS FOLLOWS:

**[329 IAC 12-2-51.5](#) "Training course" defined**

**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

**Affected:** [IC 13-15-10](#); [IC 36-9-30](#)

**Sec. 51.5. "Training course" means a course conducted by an accredited training course provider for the purposes of providing solid waste facility operator training for recertification.**

*(Solid Waste Management Division; [329 IAC 12-2-51.5](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 15. [329 IAC 12-2-54](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 12-2-54](#) "Vector" defined**

**Authority:** [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

**Affected:** [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

**Sec. 54. "Vector" means any animal capable of harboring and transmitting micro-organisms from one (1) animal to another or to a human; has the meaning set forth in [329 IAC 11-2-48](#).**

*(Solid Waste Management Division; [329 IAC 12-2-54](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1959; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 237; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 16. [329 IAC 12-3-1](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 12-3-1](#) Exclusions; general**

**Authority:** [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

**Affected:** [IC 13-20-10](#); [IC 13-30-2](#); [IC 36-9-30](#)

**Sec. 1. The following solid waste management activities are not subject to the provisions of operator certification requirements under this article:**

- (1) Disposing of only uncontaminated rocks, bricks, concrete, road demolition waste materials, or dirt. The operation of solid waste processing facilities permitted under [329 IAC 11](#), except incinerators and waste-to-energy facilities.**
- (2) Land application activities regulated by [327 IAC 6](#) and [327 IAC 7](#). [327 IAC 6.1](#) and [327 IAC 7.1](#).**
- (3) Confined feeding control activities regulated by [IC 13-18-10](#). [327 IAC 15-16](#) and [327 IAC 19](#).**
- (4) Wastewater discharge activities regulated by [327 IAC 5](#).**
- (5) Processing, except for incineration, in which the waste, other than tires, has been segregated from the general solid waste stream prior to arrival at the processing site. The operation of waste tire processing operations and storage sites registered under [329 IAC 15](#).**
- (6) Processing, except for incineration, of solid waste which takes place at the generating facility. The operation of electronic waste storage and processing facilities registered under [329 IAC 16](#).**
- (7) Processing and disposal of uncontaminated and untreated natural growth solid waste including tree limbs, stumps, leaves, and grass clippings. The operation of composting facilities registered under [IC 13-20-10](#).**
- (8) Disposal of sawdust which is derived from processing untreated natural wood. The operation of biomass anaerobic digestion facilities and biomass gasification facilities registered under [329 IAC 11.5](#).**
- (9) The disposal of coal ash, transported by water, into an ash pond which has received a water pollution control facility construction permit under [327 IAC 3](#). The operation of mobile home salvaging facilities registered under [329 IAC 11.6](#).**
- (10) The operation of surface impoundments, however, the final disposal of solid waste in such facilities at the end of their operation is subject to approval by the commissioner except as excluded under subdivisions (9) and (11). The operation of facilities that burn alternative fuel registered under [329 IAC 11.7](#).**
- (11) The disposal of coal ash at a site receiving a total of less than one hundred (100) cubic yards per year from generators who each produce less than one hundred (100) cubic yards per year.**
- (12) Uses and disposal of coal waste as exempted from regulation in [IC 13-19-3-3](#).**

~~(13) The legitimate use of iron and steelmaking slags including the use as a base for road building, but not including use for land reclamation except as allowed under subdivision (15).~~

~~(14) The legitimate use of foundry sand which has been demonstrated as suitable for restricted waste site Type III under the provisions of [329 IAC 10-9](#), including the use as a base for road building, but not including use for land reclamation except as allowed under subdivision (15).~~

~~(15) Other uses of solid waste may be approved by the commissioner if the commissioner determines them to be legitimate uses that do not pose a threat to public health and the environment.~~

*(Solid Waste Management Division; [329 IAC 12-3-1](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1960; errata filed Dec 6, 1999, 9:41 a.m.: 23 IR 813; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 17. [329 IAC 12-3-2](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 12-3-2](#) Exclusion; hazardous waste**

**Authority:** [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

**Affected:** [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 2. (a) Hazardous wastes are regulated by and shall be treated, stored, and disposed of in accordance with [329 IAC 3.1](#). Hazardous waste that is regulated by [329 IAC 3.1](#) is not subject to the provisions of this article.

~~(b) No hazardous waste that is regulated by [329 IAC 3.1](#) shall be disposed at any solid waste facility regulated under this article.~~

~~(c) For the purposes of this article, "hazardous waste that is regulated by [329 IAC 3.1](#)" does not include hazardous waste that is generated in quantities less than one hundred (100) kilograms per month and is therefore excluded from regulation under the hazardous waste management article, [329 IAC 3.1](#). Such small quantities of hazardous waste shall be disposed of in accordance with [329 IAC 10](#).~~

~~(d) Facilities permitted under [329 IAC 3.1](#) are not required to obtain permits under this article for the storage, treatment, or disposal of nonhazardous solid waste where such solid waste is treated or disposed of as a hazardous waste at the receiving hazardous waste facility.~~

*(Solid Waste Management Division; [329 IAC 12-3-2](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1960; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 18. [329 IAC 12-7-1](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 12-7-1](#) Applicability**

**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

**Affected:** [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 1. (a) This rule ~~shall apply~~ **applies** to individuals responsible for operation **until final closure certification** of the following facilities in accordance with [329 IAC 10](#) or [329 IAC 11](#):

- (1) Permitted solid waste incinerators and waste-to-energy facilities.
- (2) Permitted municipal and nonmunicipal solid waste land disposal facilities.
- (3) Permitted restricted waste sites and construction/demolition sites.

~~(b) The operators of the following facilities are deemed certified under this rule:~~

- ~~(1) Permitted hazardous waste treatment, storage, and disposal facilities that comply with the training requirements under [329 IAC 3.1-9](#).~~
- ~~(2) Incinerators described under [329 IAC 11-19-2\(a\)](#).~~

(b) An incinerator operator that complies with the training requirements in [326 IAC 11-7-5](#) is deemed a certified operator for the purposes of this rule if the incinerator:

- (1) is defined under [329 IAC 11-2-16](#); and
- (2) burns municipal solid waste.

(c) An operator of a permitted hazardous waste treatment, storage, and disposal facility that complies with the training requirements under [329 IAC 3.1-9](#) is deemed a certified operator for the purposes of this rule.

*(Solid Waste Management Division; [329 IAC 12-7-1](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1481; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 19. [329 IAC 12-7-2](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 12-7-2](#) General provisions**

**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

**Affected:** [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 2. (a) Solid waste management facilities to which this rule applies **described in section 1 of this rule** must have at least one (1) interim or certified operator at the facility at all times when the solid waste management facility designated under section 1(a) of this rule is in operation. If the interim or certified operator is absent from the facility, the interim or certified operator shall remain **must be** available through contact by electronic communication device or telephone.

(b) Except as provided in subsection (c) **or** (e), ~~or (f)~~, an individual shall not perform the duties of an operator unless that individual has a valid certificate from the commissioner.

(c) An individual who performs the duties of an operator on or before the effective date of this rule shall be considered an interim operator and may continue to perform the duties of a certified operator. However, an interim operator shall pass an accredited examination and receive a certificate under this rule and [329 IAC 12-8](#) no later than one (1) year after the effective date of this rule. **A solid waste facility may operate with an interim operator if the certified operator:**

- (1) leaves employment at the facility; or
- (2) is unable to fulfill the duties of a certified operator.

(d) **A solid waste facility must keep the following information** for each interim operator ~~the solid waste management facilities designated in section 1(a) of this rule shall keep the following information~~ in the operating record:

- (1) The name of the interim operator.
- (2) The date on which the interim operator was designated responsible for the operation of the facility.

~~(e) A solid waste management facility may operate a facility with an interim operator if the certified operator:~~

- ~~(1) leaves the employment of the facility; or~~
- ~~(2) is unable to fulfill the responsibilities of certified operator for a period of time.~~

~~(f)~~ **(e)** An interim operator designated under subsection ~~(e)~~ **(c)** may serve for up to one hundred twenty (120) days after the:

- (1) departure of the certified operator; **or**
- (2) **date the certified operator is unable to fulfill the duties of a certified operator.**

~~(g)~~ **(f)** A request for an extension of the one hundred twenty (120) day time period may be made by:

- (1) submitting a written request for extension to the commissioner; and
- (2) providing an explanation of the reason the extension is being requested.



~~(h) The certificate shall be posted in the office at the facility for the certified operator. Certified operators shall have available at the permitted facility a photographic identification card, such as driver's license or other picture identification card, when serving as the facility's certified operator. The certificate and photographic identification card shall both be available for inspection by the department representatives during an inspection.~~

**(g) The certified operator shall:**

**(1) post the certificate in the office of the facility at which the individual is currently serving as a certified operator; and**

**(2) make the certificate and a government-issued photographic identification available for inspection upon request by a department representative during an inspection.**

**(h) When an operator begins or terminates employment with a facility, the facility must notify the department in writing with the following information:**

**(1) The name of the new or former operator.**

**(2) The date that the new operator begins employment or the former operator terminates employment.**

*(Solid Waste Management Division; [329 IAC 12-7-2](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1481; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 20. [329 IAC 12-7-3](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 12-7-3](#) Examination for operator certification and recertification; classification and application**

**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

**Affected:** [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 3. (a) ~~A certification shall be issued by~~ The commissioner **shall issue a certificate** to an individual who demonstrates the skill and knowledge necessary to operate the appropriate type of solid waste management facility through

~~(1) testing~~ **an examination** for the initial certification. ~~or~~

~~(2) attendance in an accredited training course for recertification.~~

(b) Certificates ~~shall be~~ **are** classified as follows:

(1) Category I certification for operators of solid waste incinerators and waste-to-energy facilities.

(2) Category II certification for operators of municipal and nonmunicipal solid waste land disposal facilities.

(3) Category III certification for operators of restricted waste sites and construction/demolition sites.

(4) Category IV certification for a specific facility.

(c) An individual certified to operate a Category II facility shall also be considered certified to operate a Category III facility.

**(d) An individual certified to operate only a Category III or Category IV facility is not considered certified to operate a Category II facility and must obtain a separate certification for a Category II facility.**

~~(d)~~ **(e)** An individual seeking certification ~~or recertification~~ **by examination** must complete an application **on forms approved by the commissioner and** provided by the ~~approved~~ **accredited** examination provider ~~or the accredited training course provider that contains~~ **under [329 IAC 12-8](#). The application must include the following:**

(1) The name of the individual seeking certification. ~~or recertification.~~

(2) The name, full address, and telephone number of the facility at which the individual is currently ~~employed~~; **serving as an operator**, if applicable.

(3) The type of facility at which the individual is currently ~~employed~~; **serving as an operator**, if applicable.

(4) The ~~type~~ **category** of certification sought by the applicant.

(5) A statement to be signed by the individual seeking certification. ~~or recertification.~~ The statement must read, "I certify under penalty of law that this document and all attachments are to the best of my knowledge true, accurate, and complete."

~~(e) An initial~~ **(f) A** certificate granted under subsection ~~(a)(1) or section 5 of this rule shall be~~ **(a) is** valid for one ~~(1) year~~ **three (3) years** from the date of issuance.

~~(f) Individuals certified or recertified in accordance with 40 CFR 60.56a(d) may request to receive Category IV certification or recertification by submitting the following to the commissioner:~~

- ~~(1) An application containing the information specified in subsection (d)(1) through (d)(5);~~
- ~~(2) A copy of the current certification obtained under 40 CFR 60.56a(d);~~
- ~~(3) Documentation of receipt of any annual training or update required under 40 CFR 60.56a(d).~~

**(g) With the application for certification, the individual may request an alternative expiration date that is not later than the date established in subsection (f).**

*(Solid Waste Management Division; [329 IAC 12-7-3](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1481; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jan 22, 2001, 9:46 a.m.: 24 IR 1618; errata filed Mar 19, 2001, 10:31 a.m.: 24 IR 2470; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 21. [329 IAC 12-7-5](#) IS AMENDED TO READ AS FOLLOWS:

#### **[329 IAC 12-7-5](#) Reciprocity**

**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

**Affected:** [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 5. (a) ~~Any~~ **An** individual seeking certification who ~~has been~~ **is** certified as a solid waste facility operator by an accrediting ~~institution~~ **organization** in another state may be designated a certified operator for a facility that is comparable to the facility that the individual ~~was~~ **is** certified to operate in another state.

(b) A request for a certificate from the commissioner may be made by submitting the following:

- (1) An application on forms ~~prescribed~~ **approved** by the commissioner.
- (2) A copy of a **valid** solid waste facility operator certification from an accrediting ~~institution~~ **organization** in another state.

(c) Upon receipt of a certificate from the commissioner, the individual seeking reciprocity may begin to operate a facility comparable to the facility for which certification was received from another state.

**(d) A certificate issued under this section is valid for one (1) year from the date of issuance.**

*(Solid Waste Management Division; [329 IAC 12-7-5](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1482; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 22. [329 IAC 12-7-6](#) IS AMENDED TO READ AS FOLLOWS:

#### **[329 IAC 12-7-6](#) Operator recertification; expired certificate**

**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

**Affected:** [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 6. (a) ~~To renew, an operator must take an accredited training course approved by the commissioner under [329 IAC 12-9](#). A certified operator must complete an accredited training course prior to expiration of the operator's valid certificate.~~ **or an operator with an expired certification may recertify by completing the following:**

**(1) At least one (1) of the following recertification methods:**

**(A) An examination conducted by an accredited examination provider under [329 IAC 12-8](#).**

(B) A training course of at least six (6) hours in duration conducted by an accredited training course provider under [329 IAC 12-9](#).

(C) Continuing education in accordance with section 6.5 of this rule.

(2) An application in accordance with subsection (b).

~~(b) A certified operator completing one (1) or more accredited training courses in the twelve (12) months prior to the expiration of that operator's valid certificate shall be recertified. Recertification renews that operator's valid certificate for one (1) year from the expiration date of the certificate that was valid at the time of the training. A~~  
**certified operator seeking recertification shall complete an application on forms approved by the commissioner that includes the following updated information:**

(1) The name of the individual seeking recertification.

(2) The name, full address, and telephone number of the facility at which the individual is currently serving as certified operator, if applicable.

(3) The type of facility at which the individual is currently serving as certified operator, if applicable.

(4) The category of recertification sought by the individual.

(5) A statement to be signed by the individual seeking recertification. The statement must read, "I certify under penalty of law that this document and all attachments are to the best of my knowledge true, accurate, and complete."

(c) A certified operator must complete a recertification method in subsection (a)(1) within the three (3) years prior to the expiration date of the certificate.

(d) A certified operator that complies with subsections (a) through (c) is recertified for three (3) years from the:

(1) date of the most recently completed recertification method; or

(2) expiration date of the valid certificate if the operator completes a recertification method within the ninety (90) days prior to the expiration date of the certificate.

(e) With the application for recertification, the certified operator may request an alternative expiration date that is not later than the date determined in subsection (d).

(f) The commissioner may reissue a certificate to an operator with an expired certificate in accordance with the following:

(1) After the expiration of the certificate, the operator must complete any of the recertification methods in subsection (a).

(2) A certificate reissued under this subsection is valid for three (3) years from the date of reissuance.

(3) With the application for a reissued certificate, the operator may request an alternative expiration date that is not later than the date determined in subdivision (2).

*(Solid Waste Management Division; [329 IAC 12-7-6](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1482; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jan 22, 2001, 9:46 a.m.: 24 IR 1619; errata filed Mar 19, 2001, 10:31 a.m.: 24 IR 2470; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 23. [329 IAC 12-7-6.5](#) IS ADDED TO READ AS FOLLOWS:

**[329 IAC 12-7-6.5](#) Operator recertification; continuing education**

**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

**Affected:** [IC 13-15-10](#); [IC 36-9-30](#)

**Sec. 6.5. A certified operator that seeks recertification through continuing education must complete ten (10) hours of continuing education as follows:**

(1) The ten (10) hours of continuing education must address six (6) or more of the topics specified in:

(A) [329 IAC 12-8-3.1](#)(c)(2);

(B) [329 IAC 12-8-3.1](#)(c)(3); and

(C) [329 IAC 12-9-3.1](#)(b)(2).

(2) A continuing education provider must have relevant experience or qualifications in the solid waste

management industry, including:

- (A) educational background;
- (B) academic work;
- (C) professional experience; or
- (D) practical experience.

(3) The operator must complete the ten (10) hours of continuing education within the three (3) years prior to the expiration date of the certificate.

(4) The operator may not use more than one (1) instance of the same continuing education session for a recertification submittal.

(5) The operator shall record and retain the following information about each continuing education session:

- (A) Title of the session.
- (B) Date of attendance at the session.
- (C) Name, address, e-mail address, and telephone number of the continuing education provider.
- (D) Verification that the operator attended the session.
- (E) Length of the session in one-half (0.5) hour increments.
- (F) How the session addresses one (1) or more of the topics specified in:
  - (i) [329 IAC 12-8-3.1\(c\)\(2\)](#);
  - (ii) [329 IAC 12-8-3.1\(c\)\(3\)](#); and
  - (iii) [329 IAC 12-9-3.1\(b\)\(2\)](#).

(6) Prior to the expiration date of the certificate, the operator shall submit to the department:

- (A) the information recorded in subdivision (5) on forms approved by the commissioner; and
- (B) the application required in section 6(b) of this rule.

(7) Upon review of the information submitted in accordance with subdivision (6), the commissioner shall:

- (A) make a determination on the qualifications of the providers and eligibility of the operator for recertification; and
- (B) recertify an operator that fulfills the requirements of this rule.

(Solid Waste Management Division; [329 IAC 12-7-6.5](#); filed Aug 1, 2016, 3:41 p.m.:  
[20160831-IR-329140111FRA](#), eff Jan 1, 2017)

SECTION 24. [329 IAC 12-7-7](#) IS AMENDED TO READ AS FOLLOWS:

#### **[329 IAC 12-7-7](#) Certificate revocation**

**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

**Affected:** [IC 13-15-7](#); [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 7. (a) The commissioner may ~~make a decision to~~ revoke a certificate **under [IC 13-15-7](#)** if the certified operator ~~commits~~ **does** any of the following:

- (1) ~~Repeatedly Violates: a requirement or requirements of:~~
  - (A) [329 IAC 10](#), regarding operation of a solid waste facility;
  - (B) [329 IAC 11](#), regarding incinerator operation; or
  - (C) [329 IAC 12](#), regarding operator certification.
- (2) Endangers human health, safety, or the environment by knowingly or intentionally violating operating procedures of a solid waste facility.
- (3) Falsifies information provided to **any of the following:**
  - (A) The department. ~~a~~
  - (B) **The commissioner.**
  - (C) ~~An accredited examination provider. of an accredited examination, or~~
  - (D) ~~An accredited training course provider. for certification purposes.~~
  - (E) **A continuing education provider.**
- (4) Falsifies information on an extension request for interim status.

~~(b) A revoked certificate must be for a period established by the commissioner, but not less than six (6) months.~~ **When the commissioner revokes a certificate, the commissioner must establish a revocation time period of at least six (6) months.**

~~(c) The certification may be revoked following the procedures under [IC 4-21.5](#).~~ **After the time period of**

**revocation has expired, an operator with a revoked certificate must pass an examination to become certified, unless specified otherwise by the commissioner.**

~~(d) Unless specified otherwise by the commissioner in a revocation of certification, a certified operator having a revoked certification must pass an accredited examination after the time period designated under subsection (b) of the revocation has expired to become certified after a revocation. The commissioner may permanently revoke a certificate:~~

- ~~(1) for a violation under subsection (a)(2); or~~
- ~~(2) if the certified operator has had more than one (1) revocation under this section.~~

~~(e) Permanent revocation of certification may be made by the commissioner for an operator with multiple violations or revocations:~~

~~(Solid Waste Management Division; [329 IAC 12-7-7](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1483; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)~~

SECTION 25. [329 IAC 12-8-1](#) IS AMENDED TO READ AS FOLLOWS:

## **Rule 8. Solid Waste Facility Operator Accredited Examination Provider Requirements**

### **[329 IAC 12-8-1](#) Applicability**

**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)  
**Affected:** [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 1. This rule shall apply **applies** to a person or ~~postsecondary learning institution~~ **an organization** that provides an ~~accredited~~ examination for the purpose of certifying **or recertifying** individuals under [329 IAC 12-7](#) and this rule.

~~(Solid Waste Management Division; [329 IAC 12-8-1](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1483; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)~~

SECTION 26. [329 IAC 12-8-2.1](#) IS ADDED TO READ AS FOLLOWS:

### **[329 IAC 12-8-2.1](#) Examination providers; application for accreditation**

**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)  
**Affected:** [IC 13-15-10](#); [IC 36-9-30](#)

**Sec. 2.1. (a)** An examination provider must have a valid letter of accreditation from the commissioner to provide an examination for operator certification or recertification.

**(b)** A person or an organization seeking accreditation as an examination provider by the commissioner must submit an application on forms provided by the commissioner. Failure to submit a complete application may result in denial of accreditation.

**(c)** Upon submittal of a complete application, the commissioner shall:

- (1)** make a determination on the eligibility of the applicant for accreditation; and
- (2)** issue a letter of accreditation to an applicant who meets the requirements of this rule.

**(d)** A letter of accreditation is valid for three (3) years from the date of issuance.

**(e)** If there is a change in the primary contact person, an accredited examination provider shall notify



the department in writing of the change.

(f) An applicant or accredited examination provider must allow department representatives to take any examination, for the purposes of auditing, evaluating, and monitoring any examination without charge to the department. The department is not required to give advance notice of an audit.

(Solid Waste Management Division; [329 IAC 12-8-2.1](#); filed Aug 1, 2016, 3:41 p.m.:  
[20160831-IR-329140111FRA](#), eff Jan 1, 2017)

SECTION 27. [329 IAC 12-8-3.1](#) IS ADDED TO READ AS FOLLOWS:

**[329 IAC 12-8-3.1](#) Examination requirements**

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 3.1. (a) An examination must consist of at least fifty (50) multiple choice questions to demonstrate knowledge of the subject matter.

(b) An individual taking the examination must receive a score of at least seventy percent (70%) correct responses to receive certification or recertification.

(c) The examination must address the following subject matter:

(1) A Category I examination must include questions about the topics required in [326 IAC 11-7-5](#).

(2) A Category II, III, and IV examination must include questions that address each of the following topics:

(A) Waste generation, acceptance, screening, and handling.

(B) Landfill location restrictions and site selection.

(C) Landfill design and construction requirements.

(D) Landfill operational procedures, including:

(i) maintenance and monitoring requirements;

(ii) fire prevention and abatement;

(iii) leachate management; and

(iv) reporting and record keeping.

(E) Landfill storm water management.

(F) Landfill ground water monitoring and remediation.

(G) Management and disposal of certain solid waste specified in [329 IAC 10-8.2](#).

(H) Landfill closure and post-closure care requirements.

(I) Compliance with state and federal landfill regulatory requirements.

(3) In addition to the topics required in subdivision (2), the examination for each category must include questions that address the following category-specific topics:

(A) For a Category II examination, the following:

(i) Waste characteristics, composition, and sources of:

(AA) municipal solid waste;

(BB) nonmunicipal solid waste; and

(CC) industrial solid waste.

(ii) Landfill operational procedures for:

(AA) gas extraction system management; and

(BB) explosive gases monitoring.

(B) For a Category III examination, the following:

(i) Waste characteristics, composition, and sources of:

(AA) restricted waste; and

(BB) construction/demolition waste.

(ii) Landfill operational procedures for dust control.

(C) For a Category IV examination, the following:

(i) The topics in clause (A) or (B), as applicable to the type of site.

(ii) Site-specific questions that address the topics applicable to the type of site for which the accredited provider developed the examination.

(d) An individual may not use any of the following during an examination:

- (1) Books.
- (2) Notes.
- (3) Charts.
- (4) Any devices that can be used to record, transmit, receive, or play back the following content:
  - (A) Audio.
  - (B) Photographic.
  - (C) Text.
  - (D) Video.

(e) Examinations developed by the accredited examination provider for the purpose of testing solid waste facility operators may not be shown or given to any person except for the following:

- (1) The commissioner for approval under section 2.1 of this rule.
- (2) The individual taking the examination during the time that the examination is administered.

(f) An accredited examination provider shall provide verification of an examination to the department in accordance with section 4.1 of this rule.

(g) An accredited examination provider may not use a changed examination without receiving prior approval from the commissioner. Before a change in the examination, an accredited examination provider shall:

- (1) notify the department in writing of the change with an accompanying copy of the change; and
- (2) receive approval from the commissioner.

(h) An accredited examination provider shall send a written notice to the department with the location and time of the examinations:

- (1) before January 1 of each year in which examinations are scheduled, if the information is available; or
- (2) at least two (2) weeks in advance of the examination, if the information is not available before January 1 of each year.

(i) An accredited examination provider shall send notice to the department at least two (2) weeks in advance of the examination if the:

- (1) time or location of the examination changes; or
- (2) examination is canceled.

(j) An accredited examination provider shall provide to an operator taking an examination the application for:

- (1) certification required in [329 IAC 12-7-3\(e\)](#); or
- (2) recertification required in [329 IAC 12-7-6\(b\)](#).

*(Solid Waste Management Division; [329 IAC 12-8-3.1](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 28. [329 IAC 12-8-4.1](#) IS ADDED TO READ AS FOLLOWS:

**[329 IAC 12-8-4.1](#) Verification of examination for certification and recertification**

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 4-21.5-3-4](#); [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 4.1. (a) Within two (2) weeks after each examination, an accredited provider shall submit to the department the following information for examination verification:

- (1) The complete application for all individuals taking the examination required in [329 IAC 12-7-3\(e\)](#) or [329 IAC 12-7-6\(b\)](#).
- (2) The examination scores for all individuals taking the examination.

- (b) The commissioner shall deny certification or recertification to an individual who:
- (1) has a revoked certificate for which the time period of revocation has not lapsed; or
  - (2) failed to receive a passing score of at least seventy percent (70%) correct responses in accordance with section 3.1(b) of this rule.

(c) A denied certification may be appealed under [IC 4-21.5-3-4](#).

(Solid Waste Management Division; [329 IAC 12-8-4.1](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

SECTION 29. [329 IAC 12-8-8](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 12-8-8](#) Recreditation for an accredited examination provider**

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 8. (a) An accredited examination provider seeking recreditation by the commissioner shall:

- (1) have possessed a valid letter of accreditation from the commissioner within the previous six (6) months for providing accredited examinations for operators; **submit a complete application on forms provided by the commissioner at least sixty (60) days prior to the expiration date of a valid existing accreditation;** and
- (2) submit a completed application on forms prescribed by the commissioner and include updated information as required in section 7(a)(2) of this rule. **develop and submit with the application an updated examination in accordance with this rule and [329 IAC 12-7](#).**

**(b) Failure to submit a complete application within the time frame specified in subsection (a) may result in delay of a letter of recreditation.**

~~(b)~~ (c) Upon review, **submittal of a complete application**, the commissioner shall:

- ~~(1)~~ make an initial a determination as to the eligibility of the examination for **on** recreditation; The commissioner shall **and**
- ~~(2)~~ issue a letter of recreditation to an accredited examination provider **applicant** that fulfills **meets** the requirements of this rule.

~~(c)~~ (d) A letter of recreditation ~~shall be~~ **is** valid for three (3) years from the date of issuance.

~~(d)~~ Within thirty (30) days of a change, an accredited examination provider shall notify the commissioner in writing of a change in the examination or primary contact person.

(Solid Waste Management Division; [329 IAC 12-8-8](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1487; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

SECTION 30. [329 IAC 12-8-9](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 12-8-9](#) Representation of an accredited examination provider**

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 9. No person shall make a representation as providing an accredited examination **an accredited examination provider** for the purpose of accrediting **certifying or recertifying** an individual under [329 IAC 12-7](#) and this rule without being currently accredited by the commissioner under this rule.

(Solid Waste Management Division; [329 IAC 12-8-9](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1487; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

SECTION 31. [329 IAC 12-8-10](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 12-8-10](#) Accreditation revocation**

**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

**Affected:** [IC 4-21.5](#); [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 10. (a) The commissioner may revoke the accreditation of an examination **provider** if the ~~examination~~ provider: ~~commits any of the following:~~

- (1) violates **or fails to meet** a requirement of this rule;
- (2) falsifies information on an application **under section 2.1 of this rule** to provide accredited examinations for individuals taking the examination;
- (3) falsifies information ~~on~~ **about** individuals taking the examination; **or**
- ~~(4) Fails to meet a qualification specified in sections 2 through 5 of this rule.~~
- ~~(5) (4) fails to provide a quality examination based on documented~~ **and verified** complaints registered with the commissioner **or the department** about an examination.
- ~~(6) Has a continual failure rate of more than twenty percent (20%) of the individuals taking the examination.~~

~~(b) The accreditation may be revoked following procedures~~ **A revocation may be appealed** under [IC 4-21.5](#).

*(Solid Waste Management Division; [329 IAC 12-8-10](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1487; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 32. [329 IAC 12-9-1](#) IS AMENDED TO READ AS FOLLOWS:

**Rule 9. Solid Waste Facility Operator Accredited Training Course Provider Requirements**

**[329 IAC 12-9-1](#) Applicability**

**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

**Affected:** [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 1. This rule shall ~~apply~~ **applies** to a person or postsecondary learning institution **an organization** that provides ~~an accredited~~ a training course for the purpose of recertifying individuals under [329 IAC 12-7](#) ~~[329 IAC 12-8](#)~~, and this rule.

*(Solid Waste Management Division; [329 IAC 12-9-1](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1487; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 33. [329 IAC 12-9-2.1](#) IS ADDED TO READ AS FOLLOWS:

**[329 IAC 12-9-2.1](#) Training course providers; application for accreditation**

**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

**Affected:** [IC 13-15-10](#); [IC 36-9-30](#)

**Sec. 2.1. (a)** A training course provider must have a valid letter of accreditation from the commissioner to provide a training course for operator recertification.

**(b)** A person or an organization seeking accreditation as a training course provider by the commissioner shall submit an application on forms provided by the commissioner. Failure to submit a complete application may result in denial of accreditation.

**(c)** Upon submittal of a complete application, the commissioner shall:

- (1) make a determination on the eligibility of the applicant for accreditation; and
- (2) issue a letter of accreditation to an applicant who meets the requirements of this rule.

(d) A letter of accreditation is valid for three (3) years from the date of issuance.

- (e) An accredited training course provider shall notify the department in writing of a change in:
- (1) instructional staff, including a copy of the required information on new instructional staff; or
  - (2) primary contact person, including a copy of the required information for the new contact.

(f) An applicant or accredited training course provider must allow department representatives to attend, for purposes of auditing, evaluating, and monitoring, any training course without charge to the department. The department is not required to give advance notice of an audit.

(g) An accredited training course provider may use subcontractors to conduct training courses if the commissioner approves the use of subcontractors before the courses are provided.

*(Solid Waste Management Division; [329 IAC 12-9-2.1](#); filed Aug 1, 2016, 3:41 p.m.:  
[20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 34. [329 IAC 12-9-3.1](#) IS ADDED TO READ AS FOLLOWS:

**[329 IAC 12-9-3.1](#) Training course requirements for recertification**

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

**Sec. 3.1. (a) Training courses are classified as follows:**

- (1) Category I recertification training course for operators of solid waste incinerators and waste-to-energy facilities.
- (2) Category II recertification training course for operators of municipal and nonmunicipal solid waste land disposal facilities.
- (3) Category III recertification training course for operators of restricted waste sites and construction/demolition sites.
- (4) Category IV recertification training course for a specific facility.

**(b) The training course must provide a minimum of six (6) hours of instruction and include:**

- (1) topics for the appropriate category of solid waste facility operation as specified in [329 IAC 12-8-3.1\(c\)](#); and
- (2) updates on:
  - (A) applicable Indiana legislation and regulations;
  - (B) applicable department policy;
  - (C) new or improved technologies;
  - (D) changes to processes; and
  - (E) industry trends.

**(c) An accredited training course provider shall provide verification of training to the department in accordance with section 4.1 of this rule.**

**(d) An accredited training course provider may not change the course curriculum without receiving prior approval from the commissioner. Before a change in the course curriculum, a course provider shall:**

- (1) notify the department in writing of the change with an accompanying copy of the change; and
- (2) receive approval from the commissioner.

**(e) An accredited training course provider shall send a written notice to the department with the location and time of the training course:**

- (1) before January 1 of each year in which training courses are scheduled, if the information is available; or



(2) at least two (2) weeks in advance of the training course if the information is not available before January 1 of each year.

(f) An accredited training course provider shall send notice to the department at least two (2) weeks in advance of the training course if the:

- (1) time or location of the training course changes; or
- (2) training course is canceled.

(g) An accredited training course provider shall provide to an operator attending a training course the application for recertification required in [329 IAC 12-7-6\(b\)](#).

*(Solid Waste Management Division; [329 IAC 12-9-3.1](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 35. [329 IAC 12-9-4.1](#) IS ADDED TO READ AS FOLLOWS:

**[329 IAC 12-9-4.1](#) Verification of training course completion for recertification**

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 4-21.5-3-4](#); [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 4.1. (a) Within two (2) weeks after each training course, an accredited training course provider must submit to the department the complete application required in [329 IAC 12-7-6\(b\)](#) for all individuals trained in the course.

(b) The commissioner shall deny recertification to an individual that has a revoked certification for which the time period of revocation has not lapsed.

(c) A denied certification may be appealed under [IC 4-21.5-3-4](#).

*(Solid Waste Management Division; [329 IAC 12-9-4.1](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 36. [329 IAC 12-9-5](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 12-9-5](#) Reaccreditation for an accredited training course provider**

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 5. (a) A **an accredited** training course provider seeking reaccreditation ~~of an accredited training course~~ by the commissioner shall:

- (1) ~~have possessed a valid letter of accreditation from the commissioner within the previous six (6) months for providing accredited training courses for operators;~~ **submit a complete application on forms provided by the commissioner at least sixty (60) days prior to the expiration date of a valid existing accreditation;** and
- (2) ~~submit a completed application on forms prescribed by the commissioner and include updated information as required in section 4(a)(2) of this rule.~~ **develop and submit with the application an updated training course in accordance with this rule.**

(b) **Failure to submit a complete application within the time frame specified in subsection (a) may result in delay of a letter of reaccreditation.**

~~(b)~~ (c) Upon review **submittal of a complete application**, the commissioner shall:

- (1) ~~make a determination as to the eligibility of the training course for~~ **on** reaccreditation; ~~The commissioner shall and~~
- (2) ~~issue a letter of reaccreditation to a training course provider~~ **an applicant that fulfills meets the** requirements of this rule.

~~(e)~~ **(d)** A letter of reaccreditation ~~shall be~~ **is** valid for three (3) years from the date of issuance.

~~(d) No later than thirty (30) days after a change, an accredited training course provider reaccredited under this section shall notify the commissioner in writing of a change in the course curriculum, instructional staff, or primary contact person.~~

*(Solid Waste Management Division; [329 IAC 12-9-5](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1488; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 37. [329 IAC 12-9-6](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 12-9-6](#) Representation of an accredited training course provider**

**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

**Affected:** [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 6. No person shall ~~make a representation as conducting an accredited~~ **conduct a** training course for the purpose of ~~accrediting~~ **certifying or recertifying** an individual under [329 IAC 12-7](#) and this rule without being currently accredited **as a training course provider** by the commissioner under this rule.

*(Solid Waste Management Division; [329 IAC 12-9-6](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1489; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 38. [329 IAC 12-9-7](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 12-9-7](#) Accreditation revocation**

**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

**Affected:** [IC 4-21.5](#); [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 7. (a) The commissioner may revoke the accreditation of a training course **provider** if the ~~training course~~ provider: ~~commits any of the following:~~

- (1) violates **or fails to meet** a requirement of this rule;
- (2) falsifies information on an application under section 4 **2.1** of this rule to provide ~~accredited~~ training courses for operators;
- (3) falsifies certified operator information; **or**
- ~~(4) Fails to meet a qualification specified in sections 2 through 5 of this rule.~~
- ~~(5)~~ **(4)** fails to provide a quality course based on an audit by department personnel.

(b) ~~The accreditation may be revoked following procedures~~ **A revocation may be appealed** under [IC 4-21.5](#).

*(Solid Waste Management Division; [329 IAC 12-9-7](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1489; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

SECTION 39. THE FOLLOWING ARE REPEALED: [329 IAC 12-2-2](#); [329 IAC 12-2-2.1](#); [329 IAC 12-2-2.3](#); [329 IAC 12-2-4](#); [329 IAC 12-2-5](#); [329 IAC 12-2-11.1](#); [329 IAC 12-2-13](#); [329 IAC 12-2-15](#); [329 IAC 12-2-21](#); [329 IAC 12-2-24](#); [329 IAC 12-2-27](#); [329 IAC 12-2-27.2](#); [329 IAC 12-2-30](#); [329 IAC 12-2-33](#); [329 IAC 12-2-35](#); [329 IAC 12-2-36](#); [329 IAC 12-2-38](#); [329 IAC 12-2-39](#); [329 IAC 12-2-42](#); [329 IAC 12-2-45](#); [329 IAC 12-2-49](#); [329 IAC 12-2-50](#); [329 IAC 12-52](#) [*sic*, [329 IAC 12-2-52](#)]; [329 IAC 12-7-4](#); [329 IAC 12-8-2](#); [329 IAC 12-8-3](#); [329 IAC 12-8-4](#); [329 IAC 12-8-5](#); [329 IAC 12-8-6](#); [329 IAC 12-8-7](#); [329 IAC 12-9-2](#); [329 IAC 12-9-3](#); [329 IAC 12-9-4](#).

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